

Application No. 10/567,241
Response under 37 CFR 1.111
Reply to Office Action dated December 18, 2009
March 16, 2010

REMARKS

Currently, claims 1-27 are pending in the application and are believed to be allowable in view of the submission of a certified translation of the Japanese priority application antedating the main reference to Sasaki used in all of the rejections.

Claims 1-2, 14 and 16-17 were rejected under 35 USC 102(a) as being anticipated by Sasaki (International Patent Application Publication No. WO 03/088044, wherein the English translation can be found using U.S. Patent Application No. 2005-0080985). Also, claims 3-9 and 15 were rejected under 35 USC 103(a) as being obvious over Sasaki in view of Hayashi et al. (U.S. Patent No. 5,434,618). Further, claims 10-13 were rejected under 35 USC 103(a) as being obvious over Sasaki in view of Hayashi and further in view of Koizumi et al. (U.S. Patent Application Publication No. 2003-0026030).

These rejections are respectfully traversed because applicants hereby submit an English translation of applicant's priority application (Japanese Patent Application No. 2003-

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325811). This translation proves there is support in the priority application to the September 18, 2003 priority date.

Specifically, applicants believe that the Examiner was relying on the April 14, 2003 international filing date of Sasaki (International Patent Application No. PCT/JP03/04709) to make the 35 USC 102(a) and 103(a) rejections. Applicants respectfully submit that Sasaki's International Application was published in Japanese (not English) as International Patent Application Publication No. WO 03/088044. Since the Sasaki's PCT application was published in Japanese, the Examiner cannot rely on the filing date of Sasaki's International Patent Application (April 14, 2003) listed in Sasaki's U.S. Patent Application Publication No. 2005/0080985.

Therefore, applicants respectfully request the Examiner to withdraw these rejections since the September 18, 2003 priority date of applicants' Japanese Patent Application (JP 2003-325811) is earlier than the publication date of WO 03/088044 (October 23, 2003) and the effective filing date (August 16, 2004) of Sasaki (U.S. Patent No. 7,472,251).


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Applicants also submit that this application is now in condition for allowance and an action to this effect is respectfully requested.

If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

Respectfully submitted,

Date: March 16, 2010


Randolph A. Smith
Reg. No. 32,548

SMITH PATENT OFFICE
1901 Pennsylvania Ave., N.W.,
Suite 901
Washington, DC 20006-3433
Telephone: 202/530-5900
Facsimile: 202/530-5902
Maeda031610